

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THOMAS GENE TODD,

Plaintiff,

v.

JOHN DOE, *Deputy Warden*,
JANE DOE, *Assistant Unit RUM*, and
BRYAN MORRISON, *Warden*,

Defendants.

Case No. 22-11305
Honorable Laurie J. Michelson

**ORDER TRANSFERRING CASE TO THE UNITED STATES
DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN**

Thomas Gene Todd filed a complaint against three Michigan Department of Corrections employees alleging violations of his constitutional rights during his incarceration. Having reviewed the complaint, the Court concludes that venue is not proper in this district and transfers the case to the United States District Court for the Western District of Michigan pursuant to 28 U.S.C. § 1406(a).

When, as here, jurisdiction is not based on diversity of citizenship, the proper venue is the judicial district where (1) any defendant resides if all defendants reside in the same state; (2) a substantial part of the events or omissions giving rise to the claim occurred or a substantial part of the property in question is situated; or (3) any defendant may be found if there is no other district in which plaintiff may bring the action. *See* 28 U.S.C. § 1391(b). Public officials “reside” in the county where they serve. *See O’Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). “[T]he court must

determine whether the case falls within one of the three categories set out in § 1391(b). If it does, venue is proper; if it does not, venue is improper, and the case must be dismissed or transferred under § 1406(a)." *Atlantic Marine Const. Co. v. U.S. Dist. Court for W. Dist. Of Texas*, 571 U.S. 49, 55 (2013). If venue is improper in the district where a case is filed, but would be proper in another district, "a district court has the power to sua sponte transfer [the] case" under section 1406(a). *Cosmichrome, Inc. v. Spectra Chrome, LLC*, 504 F. App'x 468, 472 (6th Cir. 2012).

The complaint names three defendants, all of whom work at the Lakeland Correctional Facility in Branch County, Michigan (or worked there during the relevant time period). Branch County is located in the Western District of Michigan. See 28 U.S.C. § 102(b)(1). Because the defendants are located in the Western District and the complaint concerns events arising there as well, venue is not proper in this district. The case will be transferred to the Western District of Michigan, where venue is proper.

The Clerk of Court is ordered to transfer this case to the United States District Court for the Western District of Michigan.

SO ORDERED.

Dated: July 19, 2022

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE